

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(CrI.).No. 182 OF 2007(S)

PETITIONER:

SABU M.K., MYLAKKUNNATHU,
ATTARIKAM, OMALLUR P.O.,
PATHANAMTHITTA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA

RESPONDENTS:

1. SAJI SADANANDAN, ETHARATHIL,
CHENNEERKARA P.O., PATHANAMTHITTA DISTRICT.
2. SADANANDAN, ETHARATHIL,
CHENNEERKARA P.O., PATHANAMTHITTA DISTRICT.
3. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.
4. SUB INSPECTOR OF POLICE,
PATHANAMTHITTA.

BY ADV. SRI.A.C.DEVY
GOVERNMENT PLEADER SRI. C.M. KAMMAPPU.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

NIL.

RESPONDENTS' EXHIBITS:

ANNEXURE R4(a)	TRUE COPY OF THE PAPER PUBLICATION IN MALAYALA MANORAMA DAILY.
ANNEXURE R4(b)	TRUE COPY OF THE PAPER PUBLICATION IN DESHABHIMANI DAILY.
ANNEXURE R4(C)	TRUE COPY OF THE PAPER PUBLICATION IN KERALA KAUMUDI DAILY.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & V. K. MOHANAN, JJ.

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W.P.(CRL) NO. 182 of 2007

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DATED THIS, THE 20TH DAY OF SEPTEMBER, 2007.

J U D G M E N T

Raman, J.

Petitioner is the father of Ms. Jisha Sabu, who is allegedly missing from 21.7.2007. The matter was reported to the Pathanamthitta Police Station and they registered Crime No. 576/2007 under the caption "man missing". But the police could not trace out the girl. Petitioner states that he came to understand that his minor daughter was enticed away from his lawful custody by the first respondent with the help of the second respondent and she has been kept in their illegal custody. Petitioner prays that a writ of Habeas Corpus be issued directing the respondents to produce Ms. Jisha Sabu before this Court and set her at liberty.

2. After admitting the matter, this court directed the police to conduct an effective investigation to find out the whereabouts of the alleged detenu and produce her before this Court. The alleged detenu appeared before us and we interacted with her. Going by the averments made by the petitioner in the writ petition Ms. Jisha Sabu attained majority on 23.8.2007. On

interaction with her, she submitted that she is a free person and not under the illegal custody of anybody as alleged in the writ petition. She also submitted that she had appeared before the Judicial Magistrate of First Class-II, Pathanamthitta on 17.9.2007 and she was set free by that court.

3. In this connection, we had already recorded the submission made by the learned counsel appearing on behalf of the first respondent on 17.9.2007. Petitioner and his wife were given opportunity to interact with the alleged detainee in the chambers. But she was not inclined to go with her parents rather she insisted to go with the first respondent.

4. The report submitted by the circle Inspector of Police also shows that as per a letter written by the missing girl, she has voluntarily gone along with the first respondent - Saji Sadanandan. The subsequent statements filed by the Sub Inspector of Police, Pathanamthitta, on 4.9.2007 also would show that a "man missing" case was already registered and investigation commenced after registering the case as Crime No. 576//2007.

5. Based on the interaction with the girl and she being a major and from the nature of the answers given by her, we are satisfied that what she had told before us are of her own free will and volition and that she is capable of taking a decision in the matter.

6. In the facts and circumstances, when the girl was produced before the Magistrate's Court and she was set free by that court, it cannot be said that she is under the illegal custody of Respondents 1 and 2 as alleged. Further, when she herself admitted that she is a free person and not under the illegal custody of anybody, no further orders are called for. Accordingly, we close this writ petition and set Ms. Jisha Sabu free.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-